THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6686 of 2007

Dated: 24-04-2007

Between:

S. Janga Reddy.

..... PETITIONER

AND

The Hyderabad Urban Development Authority,
Paigah Palace, Begumpet, Hyderabad, and others.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6686 of 2007

ORDER:

The petitioner is Upa Sarpanch of Dammaiguda Village, Keesara Mandal, Ranga Reddy District. He filed instant writ petition alleging that respondents 5 to 18 got layouts prepared in respect of land comprised in survey Nos.404 (admeasuring Ac.0.34 gts) and 405 (admeasuring Acs.3.26 gts) situated at Nagaram Revenue Village of said Mandal and without obtaining approval from the Gram Panchayat or Hyderabad Urban Development Authority (HUDA), sold the property to number of persons. When the purchasers started making constructions and also attempted to alienate the land to public, the petitioner approached respondents 1 to 4 and made representations in January and March, 2007, in vain. Therefore, he seeks a writ of Mandamus directing respondents 1 to 4 to take action against the persons, who are responsible for illegal layouts in said Village, including respondents 5 to 18.

The learned counsel for the petitioner submits that fourth respondent, namely, Dammiguda Gram Panchayat, as such did not grant any approval for layouts in said Village. The reason being under the provisions of the Andhra Pradesh Urban Areas (Development) Act, 1975, in respect of the area falling within its jurisdiction, it is only HUDA, which can grant approval for layouts. There cannot be any dispute on the legal position. However, the petitioner's affidavit is silent as to whether fourth respondent Gram Panchayat has initiated any action against these persons, who illegally started constructions in the layouts, which are not approved, or in the plots without obtaining permission under the Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002. Be that as it is, the petitioner approached respondents 1 to 4 only in January and March, 2007 and immediately filed instant writ petition. This Court does not find any gross arbitrariness in the inaction on the part of respondents 1 to 4. Therefore, this Court is not inclined to exercise extraordinary jurisdiction under Article 226 of the Constitution of India to entertain such writ petition.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

24th April, 2007
ghn